

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

TREVOR DOUGLAS

PLAINTIFF

VS.

**CASE NO: _____
JURY DEMANDED**

GORILLA FIREWORKS, U.S.A.

AND

SHIU SING FIREWORKS CO. LTD.

DEFENDANTS.

COMPLAINT

Comes now Trevor Douglas, hereinafter referred to as Plaintiff, and for the Plaintiff's cause of action herein states the following:

PARTIES

1. Plaintiff, Trevor Douglas is a resident of McCreary County, Kentucky and domiciled at 541 Murphy Ridge Road, Strunk KY 42649.
2. The Defendant, Gorilla Fireworks U.S.A. (hereinafter simply "Gorilla Fireworks") is a Tennessee company with a principal place of business of 1429 Winfield Dunn Pkwy, Sevierville TN 37876, and is in the business of selling fireworks and other related products.
3. The Defendant, Shiu Sing Fireworks Co. Ltd. (hereinafter referred to as "Shiu Sing") is a Chinese Corporation with a principal place of business at 1/F HK SPINNERS INDUSTRIAL BUILDING PHASE I & II 800 CHEUNGSHA WAN RD KOWLOON

HK and is in the business of manufacturing fireworks and/or wholesaling fireworks and related products to firework retailers.

4. Shiu Sing targets and markets its sales to the United States of America, and more specifically targets sales to stores in Tennessee including Gorilla Fireworks mentioned above.

STATEMENT OF FACTS

5. Plaintiff, Trevor Douglas realleges and incorporates by reference all those facts and allegations in paragraphs 1 through 3 above and further alleges:
6. Sometime prior to June 27, 2021, Shiu Sing manufactured and/or shipped from their wholesale distribution center a Black Cat XLarge firework with “twenty-four premium effects” (hereinafter Black Cat Firework) to Gorilla Fireworks U.S.A. at 1429 Winfield Dunn Pkwy Sevierville TN 37876.
7. Sometime after receiving said firework, Gorilla Fireworks placed the Black Cat Firework for sale to the public.
8. On or about June 27, 2021 Bradley Howard (who is a cousin to Trevor Douglas) purchased the Black Cat Firework at Gorilla Fireworks.
9. Thereafter, on July 2, 2021, the family and friends of Trevor Douglas had been setting off fireworks behind their house in an area that was bare hard ground – or hard dirt. At the time of the incident in question, everyone who had attended the gathering had left except for Bradly Howard and Trevor Douglas.
10. On July 2, 2021 Bradley Howard lit the fuse to the Black Cat Firework and the firework struck Trevor Douglas in the knee causing him great physical injury and severe emotional distress.

11. At the time of the accident, Trevor Douglas was seated on the tailgate of a truck approximately 250 feet away from the Black Cat Firework.
12. Bradley Howard did not consume any alcoholic beverages on July 2, 2021.

COUNT 1 DEFECTIVE PRODUCT

13. Plaintiff, Trevor Douglas realleges and incorporates by reference all those facts and allegations in paragraphs 1 through 12 above and further alleges:
14. Defendants, Shiu Sing and Gorilla Fireworks knew or should have known the product was defective, and would not operate in the manner in which it was designed to work, and moreover, that said defective condition would likely cause harm to an individual(s) including Plaintiff, Trevor Douglas.
15. Plaintiff has been damaged by the negligence of the Defendants in the amounts in excess of the jurisdictional requirements of this Court.

COUNT 2 UNREASONABLY DANGEROUS

16. Plaintiff, Trevor Douglas, realleges and incorporates by reference all those facts and allegations in paragraphs 1 through 15 above and further alleges:
17. Defendants, Shiu Sing and Gorilla Fireworks knew or should have known the product was unreasonably dangerous, and that placing this unreasonably dangerous product into the stream of commerce would likely cause harm to an individual(s) including Plaintiff, Trevor Douglas.
18. The Plaintiff has been damaged by the negligence of the Defendants in amounts in excess of the jurisdictional requirements of this Court.

COUNT 3 FAILURE TO WARN

19. Plaintiff, Trevor Douglas, realleges and incorporates by reference all those facts and allegations in paragraphs 1 through 18 above and further alleges:
20. Defendants, Shiu Sing and Gorilla Fireworks knew or should have known the product was defective and/or unreasonably dangerous, and that placing this defective/unreasonably dangerous product into the stream of commerce would likely cause harm to an individual(s) including Plaintiff, Trevor Douglas, and failed to warn of this unreasonably dangerous and/or defective condition.
21. The Plaintiff has been damaged by the negligence of the Defendants in amounts in excess of the jurisdictional requirements of this Court

COUNT 4 COMPENSATORY DAMAGES

22. Plaintiff repeats the allegations contained in paragraphs 1-21 as though set forth verbatim.
23. Due to the actions of the Defendants enumerated above, Trevor Douglas, suffered debilitating physical injury and extreme pain and suffering, including but not limited, to surgeries, artificial knee replacement, hospital stays, and medical air evacuation.
24. Due to the actions of the Defendants enumerated above, Trevor Douglas endured mental suffering, extreme fear, and distress.
25. Due to the actions of the Defendants enumerated above, Trevor Douglas has incurred expenses for medical treatment, as well as other incidental expenses.
26. Due to the actions of the Defendants enumerated above, Trevor Douglas will incur future expenses for medical treatment, as well as other incidental expenses.
27. Due to the actions of the Defendants enumerated above, Trevor Douglas has lost

wages.

28. Due to the actions of the Defendants enumerated above, Trevor Douglas has an impaired ability to earn money in the future.
29. The Plaintiff further seeks any other relief to which they are entitled pursuant to applicable law.

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. That Plaintiffs be awarded special damages for medical, hospital, and doctors' expenses incurred, according to proof, but not less than two hundred ninety thousand dollars (\$290,000.00).
2. That Plaintiffs be awarded noneconomic damages from the Defendants in the amount of seven hundred fifty thousand dollars (\$750,000.00).
3. That Plaintiffs be allowed to further amend the Complaint in the event that there are unknown tortfeasors and/or damages;
4. That Plaintiffs be awarded post-judgment interest as allowed by law;
5. That a jury be empaneled to try the issues when joined; and
6. Such further relief as the Court may deem just and equitable.

Respectfully submitted,

/s/ Michel Wilson Jones

MICHELE WILSON JONES
127 S. MAIN ST.
WHITLEY, KY 42653
PHONE: (606) 3476-2200

JURY DEMAND

Plaintiffs demand a trial by jury on all issues of this case.

/s/ Michele Wilson Jones

MICHELE WILSON JONES
127 S. MAIN ST.
WHITLEY, KY 42653
PHONE: (606) 3476-2200

Please serve the Defendant with the Summons and Complaint in this matter, via certified mail, at the addresses listed below:

Gorilla Fireworks U.S.A.
1429 Winfield Dunn Pkwy,
Sevierville TN 37876.

AND

Also return a copy of a summons to the filing attorney so that she may serve Shiu Sing Fireworks Co. Ltd in compliance with the Hague Convention at

Shiu Sing Fireworks Co. Ltd.
1/F HK SPINNERS INDUSTRIAL BUILDING
PHASE I & II 800 CHEUNGSHA WAN RD
KOWLOON HK